

**CITY OF MORGAN HILL  
JOINT SPECIAL AND REGULAR CITY COUNCIL AND  
SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES - AUGUST 15, 2001**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the workshop/special meeting to order at 5:10 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Chang, Carr, Sellers, and Mayor/Chairman Kennedy  
Absent: Council/Agency Member Tate

**DECLARATION OF POSTING OF AGENDA**

Deputy City Clerk/Agency Secretary Corbet certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**City Council Action**

**WORKSHOP**

**1. E-GOVERNMENT ACTIVITIES**

**Recommended Action:**

1. **Received** update on City's E-Government Activities, and
2. **Provided Direction** on Planning Activities and Desired Involvement by Council.

Captain Carey Sullivan presented the technology issues workshop. These questions and others would be answered by information received in the workshop: 1) How can Morgan Hill upgrade their Internet system, 2) Be more user friendly and 3) Be more accessible to the public.

The Computer Committee identified possible e-government proposals and evaluated their impact and complexities. The Committee has determined the City's web site can be improved and Captain Sullivan provided web site samples from other cities by use of the Internet. Cities like, San Luis Obispo offer citizens the ability to sign up for water service via the Internet.

Captain Sullivan presented a list of updates to the web site showing the Impact of Project and its varied levels of difficulty in implementation.

Impact of Project – High (1) - Lo (4)			
Difficulty in Implementing – Difficult (4) - Easy (1)	Update Current Web Site		
	City Standards (?)		
	Code Enforcement Requests		
	Complaints/Comments		
	Enhance Contact List		
	Fees Schedules		
	GIS Information (?)		
	Hotlines (traffic/graffiti)		
	PW Maintenance (lights, potholes reporting)		
	Sign Requirements		
	Speed Survey Reports		
	Staff Reports		
	Update CIP status		
	Add Search Engine to Site		
	Search Business Licenses		
	Municipal Code		
	Add Links		
	New Businesses	1/2	1/2
	New Residents		
	Visitors		
	Maps		
	Zoning Maps		
	Utility Maps		
	Submit Plans - CAD CAM	3	4
	Online Forms (no fee required)		
	Filing of Police Reports for Minor Crimes		
	Job Applications		
	Park Reservations (currently no fee unless insurance is required - fee may be required in the future)		
	Utility Requests - Open/Close		
	Online Forms (fee required)		
	BMR Application		
	Business License Approval/Renewal		
	Dog Licensing		
	Parking Fines		
	Police Records Request		
	Recreation Class Registration		
	Online Bill Payment		
	Utility Billing		
	Online Permitting		
	Building Permits	1/2	3/4
	Planning Permits		
	Broadcast Council Meetings		
	Public Comments Online	4	4

## Purpose

1. Update the City Council on the Computer Committee's activities regarding E-Government
2. Receive City Council input and direction on the E-Government initiative

## Computer Committee's Activities to Date

1. Identify possible applications for E-Government in the city
2. Evaluate the impact of each use
3. Evaluate the complexity of implementing each use.
4. Prioritize the impact of application in the community and on city operations
5. Received community input on E-Government matrix
6. Adjusted matrix based on community input
7. Explored methods for providing E-Government applications

- Web based system
- Web/telephone based system

Based on a survey, 9-1, citizens would rather use the telephone than the computer (Internet). Captain Sullivan stated that citizens feel the phone is more convenient and not everyone has a computer.

## Recommended Approach

1. Web site redesign  
The City's web site needs to be redesigned and navigation made easier.
2. Teleworks type E-Government interface (combination of telephone and Internet)  
What can be done on the phone can be done on the Internet.  
Other cities use systems that are tied into Tidemark and permitting data goes right into the system, and on-line registration is being done using a third party service provider, ie for registering for recreation classes.

## Steps to Implement E-Government

1. Upgrade web sight

2. Graphic design
3. Navigation - "I want to....." format
4. Develop backbone of web to allow electronic transactions
  - Integration with existing systems
  - Web site developer
  - Existing or new database vendors
  - Incorporate appropriate security measures
  - Develop processes within city government that enhance E-Government transactions
5. Develop internal procedures that enable/facilitate E-Government actions

### **Where do we go from here?**

#### **Council's Involvement**

1. Are we on the right path?
2. Design review - When and how does the Council wish to be involved?

Captain Sullivan stated \$60,000 was budgeted this fiscal year for the web-based system. It will cost approximately \$25,000 - \$30,000 to re-design the web page. Teleworks is a modular system and can be added in parts at any time. It will cost \$60,000 - \$70,000 to add the registration services, plus approximately 10% of the cost annually for maintenance.

At Council Member Carr's request, Captain Sullivan stated that the savings cost could be calculated and that customer service would be increased. Customer services would be increased by allowing citizens greater accessibility to City Hall, by having a better flow to the web page and be being able to remotely sign up for utility service.

Mayor Pro Tem Sellers stated that "Park Reservations" and "Business License Approval/Renewal" are important and should be done first, and asked if the Chamber could be linked to the City's web site regarding business licenses. Jacqui Carrasco, Government Access Technician, responded to his question by stating the Chamber could be linked and that they are interested in doing so. Mayor Pro Tem Sellers likes the idea of an information section and the "to do" section, and would like citizens to have the option of receiving an acknowledgment that their call was received. Also, citizens should have the option of checking on the status of their call.

Mayor Kennedy would like to see a section giving public access to notify the respective departments about their concerns, ie; pot hole, burned out street light. Mayor Kennedy stated the committee is on the right track, and he likes the "to do" option, and he stressed the necessity to make it easy for public access.

Council Member Chang would like to add a complaint section, and also stated she likes the "to do" option; that it goes directly to the respective department.

#### **Web Site Design Development**

1. Request for proposals
2. Vendor selection
3. Preliminary design

4. Staff Council feedback
5. Staff training
6. Roll-out version

#### **E-Government Components**

1. Request for proposals
2. Vendor selection
3. Integrate with existing system
4. Staff training
5. Staff/Council feedback
6. Integrate with web site
7. Advertise new web and E-Government to the community

#### **New Web Page**

1. Debut January 1, 2002  
www.morgan-hill.ca.gov

**6:30 p.m.**

#### **City Council and Redevelopment Agency Action**

City Attorney Leichter announced the following closed sessions:

#### **CLOSED SESSIONS:**

**1.**

##### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)  
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)  
City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel  
Case Name: San Jose Christian College v. City of Morgan Hill  
Case Number: Santa Clara County Superior, No. CV 799179  
Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

**2.**

##### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Litigation  
Authority: Government Code Section 54956.9(b)  
Two (2) Cases

**3.**

##### **CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code 54956.8  
Real Property Involved: 17.58 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APN 817-13-017)  
Negotiating Parties:  
For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of

	Business Assistance & Housing Services
For Property Owners:	Virginia Lomanto Trustee
Closed Session Topic:	Acquisition of Real Property

**4.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code Section 54956.9(c) - One (1) potential case

**5.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Case Name:	City of San Jose v. Morgan Hill Unified School District
Case Number:	County of Sacramento, Case Number 01CS00196

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor Kennedy opened the closed session to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION:**

Mayor Kennedy adjourned the meeting to closed session at 6:33 p.m.

**RECONVENED**

Mayor Kennedy reconvened the meeting at 7:05 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Leichter announced that no reportable action was taken on the closed session items.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

At the invitation of Mayor Kennedy, Community Services Director Bischoff led the flag salute.

**INTRODUCTIONS**

Community Services Director Bischoff introduced Mary Anne Kendall, Office Assistant II (Building Division), who at the invitation of the Mayor, responded graciously.

**PROCLAMATION**

*Prostate Awareness Month*

Mayor Kennedy offered the proclamation, which will be sent to the National Prostate Association. Mayor Kennedy read the highlights of the Proclamation for the audience.

### **CITY COUNCIL REPORT**

Mayor Kennedy reported on his attendance and participation at outside agencies. He is part of the Santa Clara Valley Transit Authority, sitting as Chair of the Transit Planning Committee, where all transit operations throughout the Valley are reviewed and recommended. He noted that he would be attending a "very important meeting" on August 17 at which time the ribbon cutting ceremony for the widening of Highway 101 from Morgan Hill to San Jose would occur. While he indicated excitement at that prospect, he said that the meeting on the 16<sup>th</sup> to conclude plans for the BMX facility to be located next to CalTrain to serve the youth of Morgan Hill, was extremely gratifying. Council Member Chang commended the Mayor on his hard work for these two projects. The Mayor continued with his report of involvement of the Santa Clara Cities Association - of which he is a past President - explaining the efforts of City representatives to ensure common solutions to on-going issues, e.g., domestic violence and legislation affecting the work of the Cities.

### **CITY MANAGER'S REPORT**

City Manager Tewes provided an update on the public facilities projects currently in progress. The Community Center/Cultural Center project has been let for bid with an anticipated groundbreaking date of October 20, 2001. He reported that the work being done by Council Members on the new City Library project has grant-funding ties which require strong partnership ties with local schools; he was pleased to report that the work on the grant is progressing well. City Manager Tewes further reported that the acquisition of 37 acres of land which will house the fields and playgrounds of the Morgan Hill Soccer Complex has been completed. He thanked Council Member Chang for her work on, and dedication to, the project.

### **CITY ATTORNEY'S REPORT**

City Attorney Leichter indicated that she did not have a City Attorney's Report to present this evening.

### **PUBLIC COMMENTS**

Mayor Kennedy opened the public hearing for items not on the agenda.

Sherry Knox, 55 East 1st. St., approached the Council expressing concern in the area of the City where she lives, stating that a number of adult male dayworkers were causing fear and anxiety among local residents. Mayor Kennedy and the City Manager spoke on the subject, directing Ms. Knox to a member of the police force present who will offer guidance in the matter. Council Member Chang urged Ms. Knox to work with local agencies to help work on the problem. City Manager Tewes assured Council Members that he would work with the residents to help solve the issue and work for resolution of the difficulties.

### **CONSENT CALENDAR:**

Mayor Kennedy requested that Item 15 be removed from the Consent Calendar.

## ***City Council Action***

**Action:**        *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council unanimously (4-0), Council Member Tate absent, **approved** Consent Calendar Items 2 - 15 as follows:*

2)        **JULY 2001 FINANCE AND INVESTMENT REPORT**

*Actions: **Accepted** and **Filed** Report.*

3)        **APPROVAL OF AGREEMENT WITH MORGAN HILL UNIFIED SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER**

*Actions: 1) **Approved** the Agreement for the City, through the Police Department, to Provide a School Resource Officer for FY 2001/2002 through FY 2002/2003 to the Morgan Hill Unified School District, and 2) **Authorized** the City Manager to Execute the Agreement on Behalf of the City.*

4)        **AMENDMENT TO THE MANAGEMENT RESOLUTION**

*Action: **Adopted** Resolution No. 5516, Amending the Management, Professional and Confidential Employees Resolution No. 5486 to Assign a Salary Range and Job Description to the Position of Project Manager.*

5)        **SUBDIVISION APPLICATION, SD-00-14: LLAGAS-DELCO**

*Action: **Took No Action**, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.*

6)        **SUBDIVISION APPLICATION, SD-00-15: HALE-DELCO/SHENG**

*Actions: **Took No Action**, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.*

7)        **SUBDIVISION APPLICATION, SD-00-21: Nina Lane-Shaw**

*Actions: **Took No Action**, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.*

8)        **URBAN SERVICE AREA ADJUSTMENT APPLICATIONS FOR 2001**

*Actions: **Rescheduled** hearings on the 2001 Urban Service Area Applications to October.*

9)        **APPROVAL OF CHANGE ORDER FOR THE MADRONE AVENUE RAILROAD UNDERPASS SEISMIC RETROFIT PROJECT**

*Actions: 1) **Appropriated** an additional \$7,772 for this project from FY 01/02 unappropriated Street Fund Balance; and 2) **Approved** Construction Change Order No. 4 with Cunningham & Sons in the Amount of \$7,772.*

10)       **RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FUNDING AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION**

*Action: **Approved** Resolution No. 5517 which Authorizes the City Manager to Execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer*

*Agreements and any amendments thereto with the California Department of Transportation.*

- 11) **APPROVE PURCHASE OF A PORTABLE 150 KW GENERATOR FOR WELL SITES AND BOOSTER STATIONS**  
*Action: **Approved** the purchase of an Elliott Magnetek MD 150 QD (MTG41) Trailer (Magnetek TED 10000) mounted generator from Pac Machine Co., Inc. for \$43,551.*
- 12) **ACCEPT CONSTRUCTION FOR MAIN WELL TEST HOLE**  
*Actions: 1) **Authorized** the expenditure of an additional \$4,765 from CIP project number 608093 to complete the funding for this project; 2) **Accepted** as complete the Construction of Main Well Test Hole Project in the final amount of \$40,668; and 3) **Directed** the City Clerk to file the Notice of Completion with the County Recorder's Office.*
- 13) **APPOINTMENT TO THE MOBILE HOME RENT COMMISSION**  
*Action: **Approved** the Appointment of Mark Moore to the Mobile Home Rent Commission for a term expiring June 1, 2003.*
14. **GAVILAN COLLEGE LEASE AGREEMENT**  
*Action: **Authorized** the City Manager to do Everything Necessary and Appropriate to Execute, including making any minor modifications, and implement a lease agreement with Gavilan Community College for their Satellite Campus at the Morgan Hill Community Center. [NOTE: City Manager Tewes explained that the agreement would not be effective until the completion of the RDA lease between Gavilan and the City of Morgan Hill.*
15. **ENERGY AUDIT RECOMMENDATIONS AND IMPLEMENTATION**  
*Actions: 1) **Authorized** the Executive Director to Enter Into a Contract with Reliable Energy Concepts in the Amount of \$50,318 for Energy Conservation Equipment and Installation; and 2) **Appropriated** \$55,000 from General Fund Reserves to Building Maintenance in Order to Pay for the Full Cost of the Project.*

#### **CONSENT CALENDAR:**

### ***City Council and Redevelopment Agency Action***

**Action:** *On a motion by Mayor Pro Tempore/Agency Member Sellers and seconded by Council Member/vice-Chair Carr, the City Council/Redevelopment Agency unanimously (4-0), Council Member/Agency Member Tate absent, **approved** Consent Calendar Items 16 - 19 as follows:*

- 16) **APPROVAL OF THE REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 25, 2001**  
*Action: **Approved** Minutes as Written.*
- 17) **APPROVAL OF THE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL**



**REDEVELOPMENT AGENCY MEETING MINUTES OF AUGUST 1, 2001**

*Action: Approved Minutes as Written.*

**18) APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF AUGUST 3, 2001**

*Action: Approved Minutes as Written.*

**19) APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF AUGUST 6, 2001**

*Action: Approved Minutes as Written.*

**PUBLIC HEARINGS:**

Council Member Sellers explained that because of the proximity of property he owns to the next issue, he will not take part in the discussion nor vote. Council Member Sellers then stepped down from the dais.

**20) APPLICATION, AP-01-02: APPEAL OF PLANNING COMMISSION DENIAL OF AN EXTENSION OF TIME FOR A VARIANCE APPROVAL: MONTEREY-OAK GLEN PLAZA**

Community Development Director Bischoff gave the staff presentation, noting the matter had been continued from July 25, 2001. The matter was being heard because the issue was returned to the Planning Commission, as information was received on July 25, 2001, and not heard by the Planning Commission. He indicated that a letter written on August 8, 2001 objecting to the extension of time had been received from an adjacent property owner, Joe Picazzo and had been included in the mailing to all Council Members. Mr. Bischoff said that the motion and vote dealing with the matter at the July 24, 2001 Planning Commission meeting was: Commissioners Mueller/Lyle Motioned to Offer Resolution No. 01-55 Which Now Includes the Modification Regarding the Distance from Wright Ave. (Minimum of 42 Feet), Sets the Extension to July 24, 2002, and Sends the Resolution, as Modified, to the Architectural Review Board for Examination and Input. The Motion Passed by the Following Vote: Ayes: Benich, Lyle, McMahon, Mueller, Sullivan; Noes: Weston; Absent: Acevedo. The record indicates, Mr. Bischoff said, that Commissioner Weston voted no because of concerns relating to the location of the building from the alley and a belief that no doors should open onto the alleyway.

Mayor/Chairperson Kennedy opened the floor to public comment.

Philip P. Piazio, 20 Wright Ave. spoke in opposition to the extension request, listing his concerns: adherence to the City codes; safety as relates to the ability of fire protection equipment to enter the alleyway; flooding whereby water drainage issues exist at the present; parking issues, trash receptacle location. He read from the August edition of City Vision which he believes enforces his arguments.

Raj Khanna, 19130 Legend Ct. property owner, introduced his engineer, T.K. Singh, 305 Hazelton Ct. who reiterated the proposal and disputing the concerns raised by the first speaker, saying flooding does not exist, trash will be in locked receptacles in an enclosed location, that all codes will be met as required and stating the plan presented represents a compromise of suitable context.

Mr. Bischoff reminded Council, the issue tonight is a request for extension of time, not an approval of the presented plans. He explained the plan will have to go before the Architectural Review Board, and staff has recommended a strong need to look at the circulation plan. Mr. Bischoff explained the recommendations of the Planning Commission following their discussion of the set-backs and doorways opening to the alley.

Council Member Chang said she would like to see some of the proposed parking eliminated and the site enhanced with landscaping.

Council Member Carr asked for an explanation of the variance extension time frame, to which Mr. Bischoff responded. Mr. Bischoff also indicated the Architectural Review Board action regarding the plan could be final, with that; he stressed the Planning Commission could only recommend the action taken to the City Council.

Raj Khanna presented pictures regarding alleged parking violation by area residents.

There being no further public comments. Mayor/Chairperson Kennedy closed the public comment portion of the meeting.

**Action:**        *On a motion by Council Member Chang and seconded by Mayor Kennedy, the City Council unanimously (3-0, with Mayor Pro Tem Sellers abstaining and Council Member Tate absent) **Amended** (by adding to) Resolution No. 5518, Section 3, Item E: there shall be no parking spaces within 20 feet of the westerly side of the property and proper landscaping be placed there.*

Council Member Carr asked Mr. Bischoff to have staff study further, the issues of garbage bin placement and deliveries in the alley to businesses in the development.

**21)    ZONING AMENDMENT, ZA-01-03: CITY OF MORGAN HILL-ZONING TEXT AMENDMENT**

Mayor Kennedy reported this item has been continued from July 25, 2001 and that staff has recommended a motion to table the item at this time. He said the proposed text amendment will be scheduled for a future public hearing upon conclusion of City Attorney Leichter and Attorney Peter Burcat's review. Noting the number of interested parties to the item in the audience, he said testimony will be heard and letters received regarding the matter. Council Members present agreed. The City Manager noted that last time the matter was raised, July 25, 2001, many concerns had been voiced and while a revision of the amendment was in process, the work was not completed.

Mayor Kennedy opened the public hearing, stating that the matter will receive notice and further discussion when it is returned as an action item to the Council.

Mark Grzan, 680 Alamo Dr., said he had been unaware of the issue until the past few days. He said he keeps a trailer in the driveway of his home and while he is not totally familiar with the issues involved in formulating the amendment, he is opposed to what it stands for. He mentioned the infringement of rights, asking why the issue had been brought forth? He asked what other agencies and cities have done, stressing his concern as

the effect on the residents of the City.

Mayor Kennedy said staff would be given an opportunity to answer the questions raised, but not all the questions are answerable at this time.

Mr. Grzan said that many citizens may be unaware of the issue in general, but when they ask "Why", staff should be able to respond.

Armand M. Perry, 750 Roble Drive, believes the amendment as currently presented would cause a tremendous monetary burden to residents to store vehicles off their property. Mr. Perry asked the Council not to approve the proposal.

Walter Ricketts, 900 Via Del Castille, who identified himself as a resident and an employee of the Santa Clara Mental Health Department, expressed his belief that people who pursue activities involving recreational vehicles believe this reduces stress and improves their personal mental health. Mr. Ricketts stated, linking leisure activities with drug-free pastimes is important, and he urged the Council to consider these issues and how they will affect the residents.

Debbie A. Ackerman, 170 Manor Court., said it appears this matter deals with the handling of personal property, questioning why this matter is even being discussed by Council.

Mayor Kennedy said it is important to live together in harmony, and that some residents had expressed concern of the issues and that is why the Council must address them.

Council Member Chang reiterated earlier comments from prior meetings saying that a registered vehicle in a private driveway should not be touched until six months has passed or if the vehicle is not functioning. She considers a house as private property and cautioned Council to be careful when regulating this through ordinances. Council Member Chang made a strong statement which indicated her opposition to this proposal, saying she would not vote for it as it now exists.

There being no further public comments. Mayor/Chairperson Kennedy closed the public comment portion of the meeting.

**Action:** *On a motion by Council Member Carr and seconded by Council Member Chang, the City Council unanimously (4-0, with Council Member Tate absent) **Tabled** this item..*

City Attorney Leichter responded to a question by Council Member Sellers by stating the matter could be heard again the second meeting in September, September 19, 2001.

**22) ZONING AND DEVELOPMENT AGREEMENT APPLICATIONS, ZA-00-17/DA-00-09: LLAGAS-DELCO**

Mr. Bischoff gave the staff presentation, noting this is a residential planned development (RPD) for a subdivision. The RPD overlay district allows for flexibility and variations from the underlying zoning district standards when enhancing the area by exceptional design and arrangement of buildings, provision of open space and landscaping, protection of the welfare and privacy of adjoining property or construction

and reservation of housing units for lower income or senior households. The Planning Commission considered the applications now under consideration at the meetings of July 12 and 24, 2001, subsequently voting 6 - 0 with one member absent to recommend approval.

Mayor/Chairperson Kennedy opened the floor to public comment.

Arman Hovession (no card provided) requested explanation regarding improvements of West Llagas Creek, and the vacation of a lot on Cristoff Court and the basic traffic pattern issues on Cristoff Court. Mr. Bischoff responded with explanations and answers to each of the issues.

There being no further public comments. Mayor/Chairperson Kennedy closed the public comment portion of the meeting.

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council unanimously (4-0, with Council Member Tate absent) **Approved the Mitigated Negative Declaration.***

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council unanimously (4-0, with Council Member Tate absent) **Waived** the Reading in Full of Ordinance No. 1522, New Series, Approving the Residential Planned Development (RPD).*

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1522, New Series, by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A PRECISE DEVELOPMENT PLAN FOR A 62- UNIT R-1(7,000) & R-2 (3,500)/RPD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF LLAGAS AVENUE, AND THE WEST SIDE OF HALE AVENUE. (APNS 764-32-005, 010 & 012) by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council unanimously (4-0, with Council Member Tate absent) **Waived** the Reading in Full of Ordinance No. 1523, New Series, Approving the Development Agreement (DA).*

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1523, New Series, by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT, DA-00-09 FOR APPLICATIONS MP 99-24 & MP 00-10: LLAGAS/HALE -DELCO (APNS 764-32-005, 010 & 012) by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

**23) ZONING AND DEVELOPMENT AGREEMENT APPLICATIONS, ZA-00-18/DA-00-01: HALE-DELCO (SHENG)**

The staff presentation was given by Mr. David Bischoff. The project received 7-building allotments for FY 2001 & 2002 and 6-building allotments for FY 2002 and 2003. After the 1999 project competition, Delco

purchased a 3-acre zipper shaped parcel that separated the 17-acre Monte Villa project from this project on Hale Ave. The purchase of the intervening property has allowed for the Sheng project to link to the Monte Villa project. Both projects have been redesigned to interconnect the circulation and maximize the open space area. As part of the proposed precise development plan, the applicant is requesting approval for the relaxation of lot sizes. Mr. Bischoff indicated the inclusion of a standard development agreement as well as the project's development schedule and other project commitments.

Mayor/Chairperson Kennedy opened the floor to public comment, and with no one present to address the issue, the public hearing was closed.

Council Member Carr asked if both projects received points for being in the City core? Mr. Bischoff replied, "No, the core boundaries are north of Central." He also noted that it is easier for projects such as this to win points as they are west of Monterey St.

**Action:**        *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council unanimously (4-0, with Council Member Tate absent) **Approved** the **Mitigated Negative Declaration**.*

**Action:**        *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council unanimously (4-0, with Council Member Tate absent) **Waived** the Reading in Full of Ordinance No. 1524, New Series, Approving the Residential Planned Development (RPD).*

**Action:**        *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1524, New Series, by Title Only as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A PRECISE DEVELOPMENT PLAN FOR A 13 UNIT SINGLE -FAMILY ATTACHED HOUSING PROJECT ON A 4.13 ACRE PARCEL LOCATED ON THE WEST SIDE OF HALE AVENUE, APPROXIMATELY 1,000 FEET SOUTH OF THE HALE AVENUE AND LLAGAS AVENUE INTERSECTION. (APN 764-32-013) by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.***

**Action:**        *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council unanimously (4-0, with Council Member Tate absent) **Waived** the Reading in Full of Ordinance No. 1525, New Series, Approving the Development Agreement (DA).*

**Action:**        *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1525, New Series, by Title Only as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING OF A DEVELOPMENT AGREEMENT, DA-00-10 FOR APPLICATION MP 99-31: HALE AVENUE -DELCO (SHENG) (APN 764-32-013) by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.***

### **13: NINA LANE-SHAW**

Mr. Bischoff presented the staff report. This is a request for approval of a 6-lot precise development plan and development agreement for a residential single-family project proposed on a 2.5 acre site located between Nina lane and Juan Hernandez Drive, north of Barrett Avenue, and south of San Pedro Avenue. The Planning recommended approval of this application on a 6 - 0 vote, with one commissioner absent, at the July 24, 2001 meeting.

Mayor/Chairperson Kennedy opened the floor to public comment, and with no one present to address the issue, the public hearing was closed.

**Action:** *On a motion by Council Member Carr and seconded by Mayor Pro Tem Sellers, the City Council unanimously (4-0, with Council Member Tate absent) **Approved the Mitigated Negative Declaration, AND Waived** the Reading in Full of Ordinance No. 1526, New Series, Approving the Residential Planned Development (RPD).*

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1526, New Series, by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A PRECISE DEVELOPMENT PLAN FOR A SIX SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT LOCATED BETWEEN NINA LANE AND JUAN HERNANDEZ DRIVE, NORTH OF BARRETT AVENUE, AND SOUTH OF SAN PEDRO AVENUE by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council unanimously (4-0, with Council Member Tate absent) **Waived** the Reading in Full of Ordinance No. 1527, New Series, Approving the Development Agreement (DA).*

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1527, New Series, by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING OF A DEVELOPMENT AGREEMENT, DA-00-13 FOR APPLICATION MP 00-05: NINA LANE - SHAW (APN 817-60-020) by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

### **SECOND READING OF ORDINANCE**

**Action:** *On a motion by Mayor Pro Tem Sellers and seconded by Council Member Chang, the City Council unanimously (4-0, with Council Member Tate absent) **Adopted** the following Ordinances:*

#### **25) ADOPT ORDINANCE NO. 1514, NEW SERIES**

*An Ordinance of the City Council of the City of Morgan Hill an Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to the Precise Development Plan for an R-1(7,000)/RPD Single-family Residential Planned Development Located on the West Side of DeWitt*

*Avenue, South of West Dunne Avenue. (APN 773-08-043) by the following: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

**26) ADOPT ORDINANCE NO. 1521, NEW SERIES**

*An Ordinance of the City Council of the City of Morgan Hill an Ordinance of the City Council of the City of Morgan Hill Amending Ordinance No. 559 New Series, by Zoning Properties in Various Locations Throughout the City to Maintain Consistency with the General Plan by the following: AYES: Carr, Chang, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

**RECONVENE TO CLOSED SESSION**

Mayor/Chairman Kennedy reconvened the meeting to closed session, at 8:45 p.m.

**RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 9:59 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the closed session items.

**ADJOURNMENT**

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 10 p.m.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

None were announced.

**MINUTES RECORDED AND PREPARED BY:**

*/s/ Judi Johnson* \_\_\_\_\_

Judi Johnson  
Minutes Clerk